

103D CONGRESS
1ST SESSION

H. R. 765

IN THE SENATE OF THE UNITED STATES

JUNE 22, 1993

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

AN ACT

To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Congress finds the following:

1 (1) Pursuant to the invitation and requirements
2 contained in the 15th paragraph under the heading
3 “Surveying the Public Lands” in the Act of June 4,
4 1897 (30 Stat. 11, 36), as amended or supple-
5 mented by the Acts of June 6, 1900 (31 Stat. 588,
6 614), March 4, 1901 (31 Stat. 1010, 1037), and
7 September 22, 1922 (42 Stat. 1067), certain land-
8 owners or entrymen within forest reserves acted to
9 transfer their lands to the United States as the basis
10 for an in lieu selection of other Federal lands (here-
11 after in this Act referred to as “lieu lands”) in ex-
12 change for such lands within such reserves (here-
13 after in this Act referred to as “base lands”).

14 (2) By the Act of March 3, 1905 (33 Stat.
15 1264), Congress repealed the in lieu selection provi-
16 sions of the Act of June 4, 1897, as amended, and
17 terminated the right to select lieu lands, but ex-
18 pressly preserved the rights of land owners who had
19 valid pending applications for in lieu selections, most
20 of which have subsequently been granted.

21 (3) Other persons affected by the Acts cited in
22 paragraphs (1) and (2) who acted to transfer base
23 lands, or their successors in interest, have never ob-
24 tained either (A) a patent to the lieu lands or any
25 other consideration for their relinquishment, or (B)

1 a quitclaim of their base lands, notwithstanding re-
2 lief legislation enacted in 1922 and 1930.

3 (4) By the Act of July 6, 1960 (74 Stat. 334),
4 Congress established a procedure to compensate per-
5 sons affected by the Acts cited in paragraphs (1)
6 and (2) who had not received appropriate relief
7 under prior legislation. However, no payments of
8 such compensation were made under that Act.

9 (5) Section 4 of the Act of July 6, 1960, fur-
10 ther provided that lands with respect to which com-
11 pensation under that Act were or could have been
12 made, and not previously disposed of by the United
13 States, shall be a part of any national forest, na-
14 tional park, or other area withdrawn from the public
15 domain wherein they are located.

16 (6) Absent further legislation, lengthy and ex-
17 pensive litigation will be required to resolve existing
18 questions about the title to lands covered by section
19 4 of the 1960 Act.

20 (b) PURPOSE.—The purpose of this Act is to resolve
21 the status of the title to base lands affected by the past
22 legislation cited in subsection (a).

1 **SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL IN-**
2 **TEREST IN BASE LANDS.**

3 (a) QUITCLAIM.—Except as otherwise provided by
4 this Act, and subject to valid existing rights, but notwith-
5 standing any other provision of law, the United States
6 hereby quitclaims to the listed owner or entryman, his
7 heirs, devisees, successors, and assigns, all right, title, and
8 interest of the United States in and to the base lands de-
9 scribed on a final list published pursuant to subsection
10 (d)(1), effective on the date of publication of such list.

11 (b) PREPARATION OF INITIAL LISTS.—(1) Not later
12 than 6 months after the date of enactment of this Act,
13 the Secretary of the Interior, with respect to lands under
14 such Secretary's jurisdiction, and the Secretary of Agri-
15 culture with respect to National Forest System lands,
16 shall each prepare an initial list of all parcels of base lands
17 that were relinquished to the United States pursuant to
18 the Act of June 4, 1897 (as amended), and for which se-
19 lection or other rights under that Act or supplemental leg-
20 islation were not realized or exercised.

21 (2) The initial lists prepared under paragraph (1)
22 shall be based on information in the actual possession of
23 the Secretaries of the Interior and Agriculture on the date
24 of enactment of this Act, including information submitted
25 to Congress pursuant to the directive contained in Senate
26 Report No. 98-578, issued for the Fiscal Year 1985 Inte-

rior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) **NATIONALLY SIGNIFICANT LANDS.**—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's sole discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a na-

1 tional conservation area, a national recreation area, or any
2 lands being studied for possible designation as part of
3 such a system or unit.

4 (2) The provisions of subsection (a) shall not apply
5 to any lands identified by the Secretary concerned pursu-
6 ant to paragraph (1). The Secretary concerned shall not
7 include any such lands on any list prepared pursuant to
8 subsection (d). Subject to valid existing rights arising
9 from factors other than those described in subsection
10 (b)(1), any right, title, and interest in and to lands identi-
11 fied pursuant to paragraph (1) and not previously vested
12 in the United States is hereby vested and confirmed in
13 the United States.

14 (3) In the same manner as the initial list was pub-
15 lished and distributed pursuant to subsection (b)(2), the
16 Secretary concerned shall publish and distribute an identi-
17 fication of all lands in which right, title, and interest is
18 vested and confirmed in the United States by paragraph
19 (2).

20 (d) FINAL LISTS.—(1) As soon as possible after con-
21 sidering any requests made pursuant to subsection (b)(3)
22 and the identification of lands pursuant to subsection (c),
23 the Secretary of the Interior and the Secretary of Agri-
24 culture shall each publish a final list, consisting of lands
25 included on each Secretary's initial list not identified pur-

1 suant to subsection (c)(1). Unless a Secretary has pub-
2 lished a final list on or before the date 24 months after
3 the date of publication, pursuant to subsection (b)(2), of
4 such Secretary's initial list, the initial list prepared by
5 such Secretary shall be deemed on such date to be the
6 final list required to be published by such Secretary, and
7 thereafter no lands included on such initial list shall be
8 excluded from operation of subsection (a) except lands lo-
9 cated wholly or partially within a conservation system unit
10 or any other area which Congress has designated for spe-
11 cific management.

12 (2) If after publication of a final list a court makes
13 a final decision that a parcel of land was arbitrarily and
14 capriciously excluded from an initial list as provided by
15 subsection (b), such parcel shall be deemed to have been
16 included on a final list published pursuant to paragraph
17 (1), unless such parcel is located wholly or partially inside
18 a conservation system unit or any other area which Con-
19 gress has designated for specific management, in which
20 case such parcel shall be subject to the provisions of sub-
21 section (c)(2).

22 (e) ISSUANCE OF INSTRUMENTS.—(1) Except as oth-
23 erwise provided in this Act, no later than 6 months after
24 the date on which the Secretary concerned publishes a
25 final list of lands pursuant to subsection (d), the Secretary

1 concerned shall issue documents of disclaimer of interest
2 confirming the quitclaim made by subsection (a) of this
3 section of all right, title, and interest of the United States
4 in and to the lands included on such final list, subject to
5 valid existing rights arising from factors other than a re-
6 linquishment to the United States of the type described
7 in subsection (b). Each such confirmatory document of
8 disclaimer of interest shall operate to estop the United
9 States from making any claim of right, title, or interest
10 of the United States in and to the base lands described
11 in the document of disclaimer of interest, shall be made
12 in the name of the listed owner or entryman, his heirs,
13 devisees, successors, and assigns, and shall be in a form
14 suitable for recordation and shall be filed and recorded
15 by the United States with the recorder of deeds or other
16 like official of the county or counties within which the
17 lands covered by such confirmatory document of dis-
18 claimer of interest are located so that the title to such
19 lands may be determined in accordance with applicable
20 State law.

21 (2) The United States shall not adjudicate and, not-
22 withstanding any provision of law to the contrary, does
23 not consent to be sued in any suit instituted to adjudicate
24 the ownership of, or to quiet title to, any base land in-

1 cluded in a final list and described in a confirmatory docu-
2 ment of disclaimer of interest.

3 (3) Neither the Secretary of the Interior nor the Sec-
4 retary of Agriculture shall be required to inspect any lands
5 included on a final list nor to inform any member of the
6 public regarding the condition of such lands prior to the
7 issuance of any confirmatory document of disclaimer of
8 interest required by this subsection, and nothing in this
9 Act shall be construed as affecting any valid rights with
10 respect to lands covered by a confirmatory document of
11 disclaimer of interest issued pursuant to this subsection
12 that were in existence on the date of issuance of such con-
13 firmatory document of disclaimer of interest.

14 (4) For purposes of this Act, the term “document of
15 disclaimer of interest” means a memorandum or other
16 document, however styled or described, that references the
17 quitclaim made by subsection (a) of this section and that
18 meets the requirements for recordation established by ap-
19 plicable laws of the State in which the lands to which such
20 document refers are located.

21 (f) WAIVER OF CERTAIN CLAIMS AGAINST THE
22 UNITED STATES.—Any person or entity accepting the
23 benefits of this Act or failing to act to seek such benefits
24 within the time allotted by this Act with respect to any
25 base or other lands shall be deemed to have waived any

1 claims against the United States, its agents or contrac-
2 tors, with respect to such lands, or with respect to any
3 revenues received by the United States from such lands
4 prior to the date of enactment of this Act. All non-Federal,
5 third party rights granted by the United States with re-
6 spect to base lands shall remain effective subject to the
7 terms and conditions of the authorizing document. The
8 United States may reserve any rights-of-way currently oc-
9 cupied or used for Government purposes.

10 **SEC. 3. OTHER CLAIMS.**

11 (a) JURISDICTION AND DEADLINE.—(1) Subject to
12 the requirements and limitations of this section, a party
13 claiming right, title, or interest in or to land vested in the
14 United States by section 2(c)(2) of this Act may file in
15 the United States Claims Court a claim against the United
16 States seeking compensation based on such vesting. Not-
17 withstanding any other provision of law, the Claims Court
18 shall have exclusive jurisdiction over such claim.

19 (2) A claim described in paragraph (1) shall be
20 barred unless the petition thereon is filed within 1 year
21 after the date of publication of a final list pursuant to
22 section 2(d) of this Act.

23 (3) Nothing in this Act shall be construed as author-
24 izing any claim to be brought in any court other than a
25 claim brought in the United States Claims Court based

1 upon the vesting of right, title, and interest in and to the
2 United States made by section 2(c)(2) of this Act.

3 (b) LIMITATIONS, DEFENSES, AND AWARDS.—(1)
4 Nothing in this Act shall be construed as diminishing any
5 existing right, title, or interest of the United States in any
6 lands covered by section 2(c), including but not limited
7 to any such right, title, or interest established by the Act
8 of July 6, 1960 (74 Stat. 334).

9 (2) Nothing in this Act shall be construed as preclud-
10 ing or limiting any defenses or claims (including but not
11 limited to defenses based on applicable statutes of limita-
12 tions, affirmative defenses relating to fraud or speculative
13 practices, or claims by the United States based on adverse
14 possession) otherwise available to the United States.

15 (3) Nothing in this Act shall be construed as entitling
16 any party to compensation from the United States. How-
17 ever, in the event of a final judgment of the United States
18 Claims Court in favor of a party seeking such compensa-
19 tion, or in the event of a negotiated settlement agreement
20 made between such a party and the Attorney General of
21 the United States, the United States shall pay such com-
22 pensation from the permanent judgment appropriation es-
23 tablished pursuant to section 1304 of title 31, United
24 States Code.

1 (c) SAVINGS CLAUSE.—This Act does not include
2 within its scope selection rights required to be recorded
3 under the Act of August 5, 1955 (69 Stat. 534), regard-
4 less of whether compensation authorized by the Act of Au-
5 gust 31, 1964 (78 Stat. 751) was or was not received.

6 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated such sums
8 as may be necessary to carry out this Act.

Passed the House of Representatives June 21, 1993.

Attest: DONNALD K. ANDERSON,
Clerk.